

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRITTNEY BIEHNER a/k/a BRITTNEY REILLY,

Plaintiff,

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
AMENDED COMPLAINT**

-against-

19 Civ. 9646 (JGK)

THE CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF EDUCATION; OMOTAYO CINEUS;
STEVE TRAVERSIERE; and "JOHN DOE AND JANE
DOE #1-100" said names being fictitious, it being the intent
of Plaintiff to designate any and all individuals, officers,
members, agents, servants, and/or employees of the
aforementioned agencies owing a duty of care to Plaintiff,
individually and jointly and severally,

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Assistant Corporation Counsel Alana R. Mildner, dated April 3, 2020, and the exhibit annexed thereto; the Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint, dated April 3, 2020; and upon all the papers and proceedings previously had herein, Defendants City of New York, New York City Department of Education, Omotayo Cineus, and Steve Traversiere (collectively "Defendants") will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007-1312, before the Honorable John G. Koeltl, United States District Judge, at such time as the Court may deem fit to hear the parties, for a judgment, pursuant to Federal Civil Procedure Rule 12(b)(6), dismissing the Amended Complaint against Defendants and granting Defendants such other and further relief that this Court deems just and proper.

Date: New York, New York
April 3, 2020

JAMES E. JOHNSON

Corporation Counsel of the City of New York
Attorney for Defendants City of New York, New
York City Department of Education, Omotayo
Cineus and Steve Traversiere
100 Church Street, Room 2-146
New York, New York 10007
(212) 356-1177

By: _____/s/

Alana R. Mildner
Assistant Corporation Counsel

VIA ECF

Thomas F. Liotti, Esq.
LAW OFFICES OF THOMAS F. LIOTTI, LLC
Attorneys for Plaintiff
600 Old Country Road, Suite 530
Garden City, New York 11530
(516) 794-4700

Civil Action No. 19-cv-09646 (JGK)

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Plaintiff, individually and jointly and severally,

Defendants.

**NOTICE OF MOTION TO DISMISS THE
AMENDED COMPLAINT**

JAMES E. JOHNSON

*Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-146
New York, New York 10007*

*Of Counsel: Alana R. Mildner
William S.J. Fraenkel
Tel: (212) 356-1177*

Due and timely service is hereby admitted.

New York, N.Y., 2020

.....Esq.

Attorney for.....